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EXAMINER

KHOSHNOODI, NADIA

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2137

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/982,818	Applicant(s) MORIYAMA, YOSHIAKI	
	Examiner Nadia Khoshnoodi	Art Unit 2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-50 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 22 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's arguments/amendments with respect to amended claims 1, 4-7, 9-11, 13-14, 16-18, 21-22, 24-30, 32-33, 36, 38-40, & 44-47; previously presented claims 2-3, 8, 12, 15, 19-20, 23, 31, 34-35, 37, & 41-43; and newly presented claims 48 filed 7/27/2005 have been fully considered but they are not persuasive. In regards to newly presented claims 49-50, these claims have been fully considered and therefore are rejected under new grounds. The Examiner would like to point out that this action is made final (See MPEP 706.07a).

Previous 35 U.S.C. 112, second paragraph rejections with regard to claims 40-47 have been withdrawn.

Response to Arguments

Applicant contends that neither Inoue et al. or Kim et al. teach "generating copying control data after a recorded state and multiplexing the and recorded information." Examiner respectfully disagrees. Kim et al. teach that the CPTC (the copy control information) is added to a portion of the audio track of the cassette/video tape after the digital data is scrambled and recorded onto the portion allotted for that data (col. 8, lines 5-17 and col. 8, lines 39-49). Therefore, Kim et al. teach "generating copying control data after a recorded state and multiplexing the and recorded information."

Applicant further contends that claims 10, 40, and 46 contain subject matter analogous to that discussed with reference to claim 1, however those claims have not been amended to include that limitation. Thus, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e.,

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“generating copying control data after a recorded state and multiplexing the and recorded information”) are not recited in rejected claim(s) 10, 40, and 46. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Due to the reasons stated above, the Examiner maintains rejections with respect to amended claims 1, 4-7, 9-11, 13-14, 16-18, 21-22, 24-30, 32-33, 36, 38-40, & 44-47; previously presented claims 2-3, 8, 12, 15, 19-20, 23, 31, 34-35, 37, & 41-43; and newly presented claims 48-51. Inoue et al. in combination with Kim et al. teach the limitations of the claims.

Furthermore, Manabu et al., Nissl et al., and Videcrantz et al. teach the limitations not explicitly disclosed by the combination of Inoue et al. and Kim et al. Therefore, it is the Examiner's conclusion that amended claims 1, 4-7, 9-11, 13-14, 16-18, 21-22, 24-30, 32-33, 36, 38-40, & 44-47; previously presented claims 2-3, 8, 12, 15, 19-20, 23, 31, 34-35, 37, & 41-43; and newly presented claims 48-51 are not patentably distinct or non-obvious over the prior art of record as presented.

Claim Rejections - 35 USC § 103

I. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claims 1-4, 6-11, 18-21, 23-28, 32-35, 37-43, and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al., United States Patent No. 6,539,468 and further in view of Kim et al., European Patent Application No. 96306507.3.

As per claims 1, 18, and 32:

Inoue et al. substantially teach an information output apparatus, method, and output control program on an information recording medium for outputting recording information as well as copy control information to an information recording apparatus for recording the recording information and copy control information into a recording medium, said copy control information indicating the number of times the recording information can be recorded, said information output apparatus comprising: a multiplexing device for multiplexing the copy control information and the recording information, said copy control information indicating said number of times to be indicated after said recording in the recording information apparatus is completed (col. 4, lines 15-35).

Not explicitly disclosed is a generating device for generating copy control information after a recorded state on the recording medium. However, Kim et al. teach that the copy control information is added to a portion of the audio track of the cassette tapes that the digital data that has already been scrambled onto. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the apparatus, method, and output control program on an information recording medium disclosed in Inoue et al. to have a generating device for generating copy control information after a recorded state on the recording medium. This modification would have been obvious because a person having ordinary skill in the art, at the

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time the invention was made, would have been motivated to do so since it is suggested by Kim et al. in col. 8, lines 2-19.

As per claims 2, 19, and 33:

Inoue et al. and Kim et al. substantially teach the information output apparatus, method, and output control program on an information recording medium as applied to claims 1, 18, and 32 above. Furthermore, Inoue et al. teach the apparatus, method, and program on an information recording medium wherein the information recording apparatus records the output recording information and copy control information into the recording medium, without modifying the copy control information (col. 6, lines 19-35 and col. 7, line 65 – col. 8, line 9).

As per claims 3, 15, 20, and 34:

Inoue et al. and Kim et al. substantially teach the information output apparatus, method, and output control program on an information recording medium as applied to claims 1, 9, 18, and 32. Furthermore, Inoue et al. teach the apparatus, method and program on an information recording medium, wherein the copy control information indicates that further recording is prohibited after said recording in the information recording apparatus is completed (col. 8, lines 10-22).

As per claims 4, 16, 21, and 35:

Inoue et al. and Kim et al. substantially teach the information output apparatus, method, and output control program on an information recording medium as applied to claims 1, 9, 18, and 32. Furthermore, Inoue et al. teach the apparatus, method, and program on an information recording medium, wherein the output device outputs the multiplexed recording information and copy control information to the information recording apparatus through an electric

communication line (col. 6, lines 36-50).

As per claims 6, 23, and 37:

Inoue et al. and Kim et al. substantially teach the information output apparatus, method, and output control program on an information recording medium as applied to claims 1, 18, and 32. Furthermore, Inoue et al. teaches the apparatus, method, and program on an information recording medium, wherein the output device further comprises a converting device for converting the multiplexed recording information and copy control information into a recording information and copy control information in conformity with a recording format used for recording the information into the recording medium in the information recording apparatus, to output the converted information to the information recording apparatus, when outputting the multiplexed recording information and copy control information to the information recording apparatus at the output speed (fig. 6, step S610).

As per claim 7:

Inoue et al. substantially teach an information recording apparatus, method, and recording control program on an information recording medium for recording copy control information and recording information into a recording medium, said copy control information and recording information output from an information output apparatus for outputting the recording information as well as the copy control information indicating the number of times the recording information can be recorded, to the information recording apparatus, said information output apparatus comprising: a multiplexing device for multiplexing the copy control information and the recording information, said copy control information indicating said number of times to be indicated after said recording in the recording information apparatus is completed (col. 4, lines

15-35); and an output device for outputting the multiplexed recording information and copy control information to the information recording apparatus (col. 6, lines 51-59 and col. 10, lines 56-59), said information recording apparatus comprising: an obtaining device for obtaining the output recording information and copy control information (col. 7, line 50- col. 8, line 9); and a recording device for recording the obtained recording information and copy control information into the recording medium (col. 8, lines 53-58), without modifying the copy control information (col. 7, line 65 – col. 8, line 9).

Not explicitly disclosed is a generating device for generating copy control information after a recorded state on the recording medium. However, Kim et al. teach that the copy control information is added to a portion of the audio track of the cassette tapes that the digital data that has already been scrambled onto. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the apparatus, method, and output control program on an information recording medium disclosed in Inoue et al. to have a generating device for generating copy control information after a recorded state on the recording medium. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Kim et al. in col. 8, lines 2-19.

Also not explicitly disclosed is outputting the multiplexed recording information and copy control information to the information recording apparatus at an output speed higher than a reproducing speed of the recording information from the recording medium. However, Kim et al. teach that in order to enable the copying, one of the conditions that must be met is having the reproducible time be greater than the reproduction time which is determined by the transmission

time. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the apparatus, method, and output control program on an information recording medium disclosed in Inoue et al. to output the information at an output speed higher than a reproducing speed of the recording information from the recording medium. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Kim et al. in col. 10, line 47 – col. 11, line 3.

As per claims 8, 25, and 39:

Inoue et al. and Kim et al. substantially teach the information recording apparatus, method, and recording control program on an information recording medium as applied to claim 7, 24, and 38. Furthermore, Inoue et al. teach the apparatus, method, and program on an information recording medium, wherein the recording device records the recording information and copy control information in conformity with the recording format into the recording medium, without modifying the copy control information, when the recording information and copy control information is output at the output speed (col. 7, line 65 - col. 8, line 9).

As per claims 9 and 26:

Inoue et al. substantially teach an information output recording system and method including an information output apparatus for outputting recording information as well as copy control information indicating the number of times the recording information can be recorded, and an information recording apparatus, wherein said information output apparatus comprises: a multiplexing device for multiplexing the copy control information and the recording information, said copy control information indicating said number of times to be indicated after said recording

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in the recording information apparatus is completed (col. 4, lines 15-35); and said information recording apparatus comprises: an obtaining device for obtaining the output recording information and copy control information (col. 7, line 50- col. 8, line 9); and a recording device for recording the obtained recording information and copy control information into the recording medium, without modifying the copy control information (col. 7, line 65 – col. 8, line 9).

Not explicitly disclosed is a generating device for generating copy control information after a recorded state on the recording medium. However, Kim et al. teach that the copy control information is added to a portion of the audio track of the cassette tapes that the digital data that has already been scrambled onto. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the apparatus, method, and output control program on an information recording medium disclosed in Inoue et al. to have a generating device for generating copy control information after a recorded state on the recording medium. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Kim et al. in col. 8, lines 2-19.

As per claim 10:

Inoue et al. substantially teach an information output recording system including an information output apparatus for outputting recording information as well as copy control information indicating the number of times the recording information can be recorded, and an information recording apparatus, wherein said information output apparatus comprises: a multiplexing device for multiplexing the copy control information and the recording information, said copy control information indicating said number of times to be indicated after said recording

in the recording information apparatus is completed (col. 4, lines 15-35); and an output device for outputting the multiplexed recording information and copy control information to an obtaining device (col. 6, lines 51-59 and col. 10, lines 56-59), and said information recording apparatus comprises: the obtaining device for obtaining the output recording information and copy control information to output the same to the information recording apparatus (col. 7, line 50- col. 8, line 9); and a recording device for recording the output recording information and copy control information into the recording medium, without modifying the copy control information (col. 7, line 65 – col. 8, line 9).

Not explicitly disclosed by Inoue et al. is outputting the multiplexed recording information and copy control information to the information recording apparatus at an output speed higher than a reproducing speed of the recording information from the recording medium. However, Kim et al. teach that in order to enable the copying, one of the conditions that must be met is having the reproducible time be greater than the reproduction time which is determined by the transmission time. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the apparatus, method, and output control program on an information recording medium disclosed in Inoue et al. to output the information at an output speed higher than a reproducing speed of the recording information from the recording medium. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Kim et al. in col. 10, line 47 – col. 11, line 3.

As per claims 11 and 28:

Inoue et al. and Kim et al. substantially teach the information output recording system and method as applied to claims 10 and 27 above. Furthermore, Kim et al. teaches the system and method, wherein said information recording apparatus comprises: a recognizing device for mutually recognizing the type of the devices between the obtaining device and the information recording apparatus (col. 7, lines 12-23); and a recording control device for controlling the recording device so as to record the recording information and copy control information into the recording medium, only when recognizing that the recording information and copy control information has been output at the higher output speed from the obtaining device, based on the recognition result in the recognizing device (col. 10, line 47 – col. 11, line 3).

As per claims 24 and 38:

Inoue et al. substantially teach an information recording apparatus, method, and recording control program on an information recording medium for recording copy control information and recording information into a recording medium, said copy control information and recording information output from an information output apparatus for outputting the recording information as well as the copy control information indicating the number of times the recording information can be recorded, to the information recording apparatus, said information output apparatus comprising: a multiplexing device for multiplexing the copy control information and the recording information, said copy control information indicating said number of times to be indicated after said recording in the recording information apparatus is completed (col. 4, lines 15-35); said information recording apparatus comprising: an obtaining device for obtaining the output recording information and copy control information (col. 7, line 50- col. 8, line 9); and a recording device for recording the obtained recording information and copy control information

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into the recording medium (col. 8, lines 53-58), without modifying the copy control information (col. 7, line 65 – col. 8, line 9).

Not explicitly disclosed is a generating device for generating copy control information after a recorded state on the recording medium. However, Kim et al. teach that the copy control information is added to a portion of the audio track of the cassette tapes that the digital data that has already been scrambled onto. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the apparatus, method, and output control program on an information recording medium disclosed in Inoue et al. to have a generating device for generating copy control information after a recorded state on the recording medium. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Kim et al. in col. 8, lines 2-19.

As per claim 27:

Inoue et al. substantially teach an information output recording system and method including an information output apparatus for outputting recording information as well as copy control information indicating the number of times the recording information can be recorded, and an information recording apparatus, wherein said information output apparatus comprises: a multiplexing device for multiplexing the copy control information and the recording information, said copy control information indicating said number of times to be indicated after said recording in the recording information apparatus is completed (col. 4, lines 15-35); and said information recording apparatus comprises: the obtaining device for obtaining the output recording information and copy control information to output the same to the information recording

apparatus (col. 7, line 50- col. 8, line 9); and a recording device for recording the output recording information and copy control information into the recording medium, without modifying the copy control information (col. 7, line 65 – col. 8, line 9).

Not explicitly disclosed is a generating device for generating copy control information after a recorded state on the recording medium. However, Kim et al. teach that the copy control information is added to a portion of the audio track of the cassette tapes that the digital data that has already been scrambled onto. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the apparatus, method, and output control program on an information recording medium disclosed in Inoue et al. to have a generating device for generating copy control information after a recorded state on the recording medium. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Kim et al. in col. 8, lines 2-19.

As per claim 40:

Inoue et al. substantially teaches a computer data signal embodied in a carrier wave and representing a sequence of instructions, which is executed by a output control computer included in an information output apparatus for outputting recording information as well as copy control information to an information recording apparatus for recording the recording information and copy control information into a recording medium, said copy control information indicating the number of times the recording information can be recorded, said instructions comprising the steps of: multiplexing the copy control information and the recording information, said copy control information indicating said number of times to be indicated after said recording in the

recording information apparatus is completed (col. 4, lines 15-35); and outputting the multiplexed recording information and copy control information to the information recording apparatus (col. 6, lines 51-59 and col. 10, lines 56-59).

Not explicitly disclosed by Inoue et al. is outputting the multiplexed recording information and copy control information to the information recording apparatus at an output speed higher than a reproducing speed of the recording information from the recording medium. However, Kim et al. teach that in order to enable the copying, one of the conditions that must be met is having the reproducible time be greater than the reproduction time which is determined by the transmission time. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the apparatus, method, and output control program on an information recording medium disclosed in Inoue et al. to output the information at an output speed higher than a reproducing speed of the recording information from the recording medium. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Kim et al. in col. 10, line 47 – col. 11, line 3.

As per claim 41:

Inoue et al. and Kim et al. substantially teach the computer data signal embodied in a carrier wave and representing a sequence of instructions as applied to claim 40 above. Furthermore, Kim et al. teach the computer data signal embodied in a carrier wave and representing a sequence of instructions, wherein the information recording apparatus records the output recording information and copy control information into the recording medium, regardless

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of the content of the copy control information (col. 10, lines 37-47).

As per claim 42:

Inoue et al. and Kim et al. substantially teach the computer data signal embodied in a carrier wave and representing a sequence of instructions as applied to claim 40 above.

Furthermore, Inoue et al. teach the computer data signal embodied in a carrier wave and representing a sequence of instructions, wherein the copy control information indicates that further recording is prohibited after said recording in the information recording apparatus is completed (col. 8, lines 10-22).

As per claim 43:

Inoue et al. and Kim et al. substantially teach the computer data signal embodied in a carrier wave and representing a sequence of instructions as applied to claim 40 above.

Furthermore, Inoue et al. teach the computer data signal embodied in a carrier wave and representing a sequence of instructions, wherein the output device outputs the multiplexed recording information and copy control information to the information recording apparatus through an electric communication line (col. 6, lines 36-50).

As per claim 45:

Inoue et al. and Kim et al. substantially teach the computer data signal embodied in a carrier wave and representing a sequence of instructions as applied to claim 40 above.

Furthermore, Inoue et al. teach the computer data signal embodied in a carrier wave and representing a sequence of instructions, wherein said instructions further comprises the step of converting the multiplexed recording information and copy control information into a recording information and copy control information in conformity with a recording format used for

recording the information into the recording medium in the information recording apparatus, to output the converted information to the information recording apparatus, when outputting the multiplexed recording information and copy control information to the information recording apparatus at the output speed (fig. 6, step S610).

As per claim 46:

Inoue et al. substantially teach a computer data signal embodied in a carrier wave and representing a sequence of instructions, which is executed by a recording control computer included in the information recording apparatus for recording copy control information and recording information into a recording medium, said copy control information and recording information output from an information output apparatus for outputting the recording information as well as the copy control information indicating the number of times the recording information can be recorded, to the information recording apparatus, said information output apparatus comprising: a multiplexing device for multiplexing the copy control information and the recording information, said copy control information indicating said number of times to be indicated after said recording in the recording information apparatus is completed (col. 4, lines 15-35); and an output device for outputting the multiplexed recording information and copy control information to the information recording apparatus (col. 6, lines 51-59 and col. 10, lines 56-59), said instructions comprising the steps of: obtaining the output recording information and copy control information (col. 7, line 50 – col. 8, line 9) and recording the obtained recording information and copy control information into the recording medium (col. 8, lines 53-58).

Not explicitly disclosed by Inoue et al. is outputting the multiplexed recording information and copy control information to the information recording apparatus at an output

speed higher than a reproducing speed of the recording information from the recording medium. However, Kim et al. teach that in order to enable the copying, one of the conditions that must be met is having the reproducible time be greater than the reproduction time which is determined by the transmission time. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the apparatus, method, and output control program on an information recording medium disclosed in Inoue et al. to output the information at an output speed higher than a reproducing speed of the recording information from the recording medium. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Kim et al. in col. 10, line 47 – col. 11, line 3.

Also not explicitly disclosed by Inoue et al. are the instructions comprising the steps of recording the obtained recording information and copy control information into the recording medium, regardless of the content of the copy control information. However, Kim et al. teach the steps of recording the obtained recording information and copy control information into the recording medium, regardless of the content of the copy control information. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the instructions comprising steps of recording without basis on copy control information. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Kim et al. in col. 10, lines 37-47.

As per claim 47:

Inoue et al. and Kim et al. substantially teach the computer data signal embodied in a carrier wave and representing a sequence of instructions as applied to claim 46 above. Furthermore, Kim et al. teach the computer data signal embodied in a carrier wave and representing a sequence of instructions, wherein the step of recording records the recording information and copy control information conformable to the recording format into the recording medium, regardless of the content of the copy control information, when the recording information and copy control information has been output at the output speed (col. 10, lines 37-47).

As per claim 48:

Inoue et al. substantially teach the information output apparatus of claim 1. Furthermore, Inoue et al. teach an output device for outputting the multiplexed recording information and copy control information to the information recording apparatus (col. 6, lines 51-59 and col. 10, lines 56-59). Not explicitly disclosed by Inoue et al. is outputting the multiplexed recording information and copy control information to the information recording apparatus at an output speed higher than a reproducing speed of the recording information from the recording medium. However, Kim et al. teach that in order to enable the copying, one of the conditions that must be met is having the reproducible time be greater than the reproduction time which is determined by the transmission time. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the apparatus, method, and output control program on an information recording medium disclosed in Inoue et al. to output the information at an output speed higher than a reproducing speed of the recording information from the recording medium. This modification would have been obvious because a person having ordinary skill in the art, at

the time the invention was made, would have been motivated to do so since it is suggested by Kim et al. in col. 10, line 47 – col. 11, line 3.

III. Claims 5, 17, 22, 36, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al., United States Patent No. 6,539,468 and Kim et al., European Patent Application No. 96306507.3 as applied to claims 4, 16, 21, 35, and 43 above, and further in view of Manabu et al., United States Patent No. 6,453,304.

As per claims 5, 17, 22, and 36:

Inoue et al. and Kim et al. substantially teach the apparatus, method, and program on an information recording medium as applied to claims 4, 16, 21, and 35 above. Not explicitly disclosed by Inoue et al. or Kim et al. is the apparatus, method, and program on an information recording medium, wherein the electric communication line is at least any one of the Internet line, a ground wave digital line, a satellite communication line, and a cable television line. However, Manabu et al. teach a similar apparatus, method, and program on an information recording medium where a digital broadcast is connected to the recording device. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the apparatus, method, and program on an information recording medium disclosed in Inoue et al. and Kim et al. to allow for the electric communication line to be one of those mentioned above. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Manabu et al. in col. 10, lines 22 – 30.

As per claim 44:

Inoue et al. and Kim et al. substantially teach the computer data signal embodied in a carrier wave and representing a sequence of instructions as applied to claim 43 above. Not explicitly disclosed is the computer data signal embodied in a carrier wave and representing a sequence of instructions, wherein the electric communication line is at least any one of the Internet line, a ground wave digital line, a satellite communication line, and a cable television line. However, Manabu et al. teach a similar apparatus, method, and program on an information recording medium where a digital broadcast is connected to the recording device. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify that disclosed in Inoue et al. and Kim et al. to allow for the electric communication line to be one of those mentioned above. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Manabu et al. in col. 10, lines 22 – 30.

IV. Claims 12-14 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al., United States Patent No. 6,539,468 and Kim et al., European Patent Application No. 96306507.3 as applied to claims 10 and 27 above, and further in view of Nissl et al., United States Patent No. 6,530,023.

As per claims 12 and 29:

Inoue et al. and Kim et al. substantially teach the information output recording system and method as applied to claims 10 and 27 above. Furthermore, Inoue et al. teaches the system and method, wherein the obtaining device outputs the obtained recording information and copy control information to the information recording apparatus at the output speed, after performing encryption processing (col. 10, lines 31-55). Not explicitly disclosed by Inoue et al. or Kim et al.

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is the encryption processing corresponding to only the output speed. However, Nissl et al. teach having an encryption process corresponding to the output speed. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Inoue et al. and Kim et al. to have the encryption process corresponding to only the output speed. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Nissl et al. in col. 5, lines 13-16, 28-30, and 36-39.

As per claims 13 and 30:

Inoue et al., Kim et al., and Nissl et al. substantially teach the information output recording system and method as applied to claims 12 and 29 above. Furthermore, Kim et al. teach the system and method, wherein said information recording apparatus comprises: a determination device for determining whether or not the recording information and copy control information has been output from the obtaining device, according to the encryption processing in the output recording information and copy control information, and a recording control device for controlling the recording device so as to record the recording information and copy control information into the recording medium (col. 9, line 32 – col. 10, line 36), only when it proves that the recording information and copy control information has been output from the obtaining device at the higher speed, according to the determination result in the determination device (col. 10, line 47 – col. 11, line 3).

As per claims 14 and 31:

Inoue et al., Kim et al., and Nissl et al. substantially teach the information output recording system and method as applied to claims 12 and 29 above. Furthermore, Inoue et al.

teach the system and method, wherein said information recording apparatus further comprises: a decoding device for decoding the output recording information and copy control information; and a recording encryption device for recording the decoded recording information and copy control information into the recording medium, after performing the predetermined encryption processing for recording on the information (col. 10, lines 26-55).

V. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al., United States Patent No. 6,539,468 and Kim et al., European Patent Application No. 96306507.3 as applied to claim 1 above, and further in view of Videcrantz et al., United States Patent No. 6,275,588.

As per claim 49:

Inoue et al. and Kim et al. substantially teach the information output apparatus of claim 1. Not explicitly disclosed is the apparatus further comprising an encryption method changing device for changing encryption method on the basis of the outputted information speed. However, Videcrantz et al. teach that the time consumption allowed for encryption extraction depends on many factors, one of those factors being the type of encryption algorithm used. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the apparatus disclosed in Inoue et al. and Kim et al. to change the encryption method on the basis of the outputted information speed. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Videcrantz et al. in col. 21, line 64 – col. 22, line 24.

VI. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al., United States Patent No. 6,539,468 and Kim et al., European Patent Application No. 96306507.3 as applied to claim 8 above, and further in view of Manabu et al., United States Patent No. 6,453,304 and Videcrantz et al., United States Patent No. 6,275,588.

As per claim 50:

Inoue et al. and Kim et al. substantially teach the information recording apparatus of claim 8. Not explicitly disclosed is the apparatus further comprising an encryption method detecting device for detecting encryption method of inputted information; and a switching device for switching the inputted information on the basis of the detected encryption method. However, Manabu et al. teach that the encryption key is chosen based on the copy control information, thus it is detected depending on the control information as well. Inoue et al. and Kim et al. substantially teach the information output apparatus of claim 1. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the apparatus disclosed in Inoue et al. and Kim et al. to detect the encryption key of the inputted information and then switch that information based on the detected encryption key in order to process it correctly. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Manabu et al. in col. 7, line 40 – col. 8, line 3.

Also not explicitly disclosed is that the encryption method is detected and switched. However, Videcrantz et al. teach that one can choose an encryption algorithm based on the transmission rate/time consumption allowed. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the apparatus disclosed in Inoue et al. and

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Kim et al. to detect the encryption method of the inputted information and then switch that information based on the detected encryption method in order to process it correctly. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Videcrantz et al. in col. 21, line 64 – col. 22, line 24.

**References Cited, Not Used*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US Patent No. 6,310,956
2. US Patent No. 6,223,285
3. JP Document No. 2000036949

The above references have been cited because they are relevant due to the manner in which the invention has been claimed.

Conclusion


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825. The examiner can normally be reached on M-F: 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Nadia Khoshnoodi
Examiner
Art Unit 2137
10/12/2005

NK


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER